

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

FREDDIE LOUIS DILLARD,

Case No. 05-CV-2568 (PJS/JJG)

Plaintiff,

v.

ORDER

ROBERT HAWLEY, RICK MATHWIG,
NICHOLAS OLSON, MICHAEL PARKOS,
and MATHEW MARSHAL,

Defendants.

Freddie Louis Dillard, pro se.

Elisa M. Hatlevig and Joseph E. Flynn, JARDINE, LOGAN & O'BRIEN, PLLP, for
defendants.

This matter is before the Court on defendants' objection [Docket No. 59] to the February 12, 2007 Report and Recommendation ("R&R") of Magistrate Judge Jeanne J. Graham [Docket No. 58]. As required by 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72.2(b), the Court has made a de novo determination of the proposed findings and recommendations in the R&R to which the defendants objected. The Court agrees with Judge Graham's findings and with her recommended rulings on defendants' motion to dismiss [Docket No. 35] and on Dillard's two pending motions [Docket Nos. 44 and 53].

The Court is, however, sympathetic to defendants' argument that they are entitled to responses from Dillard to their discovery requests before they take his deposition. Accordingly, the Court will impose the deadlines set forth in the order below.

ORDER

Based on the foregoing and on all of the files, records, and proceedings herein, the Court OVERRULES defendants' objection [Docket No. 59] and ADOPTS IN PART Judge Graham's Report and Recommendation [Docket No. 58]. Accordingly, IT IS HEREBY ORDERED THAT:

1. Defendants' Motion to Dismiss [Docket No. 35] is DENIED WITHOUT PREJUDICE.
2. Dillard's Motion to Strike Defendant's Motion to Dismiss [Docket No. 44] is DENIED.
3. Dillard's Motion to Deny Defendant's Summary Judgment [Docket No. 53] is DENIED AS MOOT.
4. On or before April 27, 2007, Dillard must serve the defendants with responses, or with appropriate objections, to the interrogatories and requests for production of August 30, 2006.
5. Between April 30 and May 11, 2007, Dillard must appear for deposition in accordance with the defendants' deposition notice of August 31, 2006.
6. If Dillard fails to comply with this order, defendants may bring another motion to dismiss on or before June 15, 2007.

Dated: April 9, 2007

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge